



6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-R01-OW-2012-0201; FRL-9666-5]

EPA-New England Region I; Massachusetts Marine Sanitation Device Standard; Receipt of Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice – Receipt of Petition.

SUMMARY: Notice is hereby given that a petition has been received from the Commonwealth of Massachusetts requesting a determination by the Regional Administrator, U. S. Environmental Protection Agency, that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of Nantucket and Vineyard Sounds and the Islands, collectively termed the Southern Cape Cod for the purpose of this notice.

DATES: "Comments must be submitted by **[insert date 30 days from date of publication]**."

ADDRESSES: Submit your comments, identified by Docket ID No.

EPA-R01-OW-2012-0201, by one of the following methods:

[www.regulations.gov](http://www.regulations.gov), Follow the on-line instructions for submitting comments.

- Email: [rodney.ann@epa.gov](mailto:rodney.ann@epa.gov)
- Fax: (617) 918-0538

Mail and hand delivery: U. S. Environmental Protection Agency – New England Region, Five Post Office Square, Suite 100, OEP06-1, Boston, MA 02109-3912. Deliveries are only accepted during the Regional Office’s normal hours of operation (8:00am – 5:00pm, Monday through Friday, excluding legal holidays), and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-R01-OW-2012-0201. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov), or e-mail. The [www.regulations.gov](http://www.regulations.gov) website is an “anonymous access” system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov) your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able

to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index.

Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copy-righted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at the U. S. Environmental Protection Agency – New England Region, Five Post Office Square, Suite 100, OEP06-01, Boston, MA 02109-3912. Such deliveries are only accepted during the Regional Office's normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office is open from 8:00am – 5:00pm, Monday through Friday, excluding legal holidays. The telephone number is (617) 918-1538.

FOR FURTHER INFORMATION CONTACT: Ann Rodney, U. S. Environmental Protection Agency – New England Region, Five Post Office Square, Suite 100, OEP06-01, Boston, MA 02109-3912. Telephone: (617) 918-1538, Fax number: (617) 918-0538; email address: [rodney.ann@epa.gov](mailto:rodney.ann@epa.gov)

#### SUPPLEMENTARY INFORMATION:

Notice is hereby given that a petition has been received from the Commonwealth of Massachusetts requesting a determination by the Regional Administrator, U. S.

Environmental Protection Agency, pursuant to Section 312(f)(3) of Public Law 92-500 as amended by Public Law 95-217 and Public Law 100-4, that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the Southern Cape Cod area.

The Southern Cape Cod No Discharge Area will encompass the coastal waters for the towns of Chilmark, West Tisbury, Tisbury, Oak Bluffs, Edgartown, Gosnold, Falmouth, Mashpee, Barnstable, Yarmouth, Dennis, Harwich, Chatham and Nantucket.

The proposed boundaries of the No Discharge Area for the SOUTHERN CAPE COD waters are as follows:

The western-most contiguous area of the NDA is bound by the Buzzards Bay NDA and the Federal/State boundary line:

<b>Waterbody/General Area</b>	<b>Latitude</b>	<b>Longitude</b>
West of the Elizabeth Islands	41° 24' 35.11" N	70° 56' 54.62" W
West of the Elizabeth Islands	41° 22' 30.32" N	70° 59' 51.57" W
West of the Elizabeth Islands	41° 24' 17.81" N	71° 02' 06.69" W

The upper-eastern area of the NDA is bound by the Outer Cape NDA:

<b>Waterbody/General Area</b>	<b>Latitude</b>	<b>Longitude</b>
South of Monomoy Island	41° 32' 29.79" N	70° 00' 36.28" W
South of Monomoy Island	41° 29' 14.59" N	70° 00' 10.93" W

The small triangle of Commonwealth waters at the mouth of Buzzards Bay will be bound by the following coordinates along the Federal /State boundary line:

<b>Waterbody/General Area</b>	<b>Latitude</b>	<b>Longitude</b>
Mouth of Buzzards Bay	41° 24' 50.40" N	71° 02' 48.61" W
Mouth of Buzzards Bay	41° 25' 25.66" N	71° 03' 31.78" W
Mouth of Buzzards Bay	41° 25' 18.57" N	71° 04' 18.47" W

The two temporarily undesignated areas will be bound by the following coordinates:

**Area 1:**

<b>Waterbody/General Area</b>	<b>Latitude</b>	<b>Longitude</b>
Vineyard Sound	41° 30' 33.61" N	70° 40' 06.67" W
Vineyard Sound	41° 30' 49.20" N	70° 39' 19.65" W
Vineyard Sound	41° 30' 59.29" N	70° 39' 02.76" W
Vineyard Sound	41° 30' 03.08" N	70° 33' 54.78" W
Vineyard Sound	41° 28' 22.57" N	70° 33' 27.72" W
Vineyard Sound	41° 28' 44.74" N	70° 35' 18.74" W
Vineyard Sound	41° 29' 08.60" N	70° 35' 32.38" W

**Area 2:**

<b>Waterbody/General Area</b>	<b>Latitude</b>	<b>Longitude</b>
Nantucket Sound	41° 34' 27.90" N	70° 16' 48.99" W
Nantucket Sound	41° 34' 27.90" N	70° 15' 00.99" W
Nantucket Sound	41° 33' 20.36" N	70° 14' 39.33" W
Nantucket Sound	41° 31' 41.73" N	70° 12' 27.06" W

Nantucket Sound	41° 31' 07.88" N	70° 15' 32.25" W
-----------------	------------------	------------------

The boundaries were chosen to maximize the area designated, give larger vessels a window in which to comply with this proposed regulation, and generally represent all navigational waters.

There are marinas, yacht clubs and public landings/piers in the proposed area with a combination of mooring fields and dock space for the recreational and commercial vessels. Massachusetts has certified that there are 29 pumpout facilities within the proposed area available to the boating public. A list of the facilities, locations, contact information, hours of operation, and water depth is provided at the end of this petition.

Massachusetts has provided documentation indicating that the total vessel population is estimated to be 15,283 in the proposed area. It is estimated that 5,075 of the total vessel population may have a Marine Sanitation Device (MSD) of some type.

The various beaches, marshes, and harbors and their recreational opportunities attract thousands of visitors to Cape Cod and the Islands every year. Within the proposed NDA area, there are 143 bathing beaches covering over 26 miles of coastline.

The area is known for the strong prevailing southwest winds which support sailing, windsurfing, and kite boarding. Numerous wildlife tours, recreational fishing charters operate within the waters of this proposed NDA, and it is an important and popular destination for boaters due to its natural environmental diversity.

Six species of shellfish are harvested in the area, including soft-shell clams, surf clams, blue mussels, oysters, ocean quahogs, and the state's only commercial bay scallop fishery. Southern South Cape Cod and Islands NDA encompasses approximately 12,500 acres of shellfish habitat, and supports an estimated 600 commercial shellfishermen. Recreational shellfishing alone was estimated to be worth over \$7 million in 2002 dollars to Cape Cod.

**Pumpout Facilities within Proposed No Discharge Area**

<b>Name</b>	<b>Location</b>	<b>Contact Information</b>	<b>Hours of Operation</b>	<b>Depth (Ft)</b>
Menemsha Harbor	Chilmark	508-645-2846 VHF 9,16	8am-4pm	4
Vineyard Haven Harbor /Tashmoo Pond	Tisbury	508-696-4249 VHF 9	9am-4pm	NA
Tisbury Wharf Co.	144 Beach Road, P.O. Box 1317, Tisbury	508-693-9300 VFH 9	9am-4pm	4
Oak Bluffs Harbor	Oak Bluffs	508-693-4355 VHF 71	9am-4pm	NA
Oak Bluffs Harbor Marina	Box 1327, Oak Bluffs	508-693-4355 VHF 71	9am-4pm	6

Edgartown Marina	1 Morse Street Edgartown	508-627-4746 VHF 9, 74	8am-4pm	6
Edgartown Harbor	1 Morse Street Edgartown	508-627-4746 VHF 9, 74	8am-4pm	NA
Falmouth Marine Inner Harbor	278 Scranton Avenue, Falmouth	508-548-4600 VHF 9, 16	9am-5pm	6
McDougall's Inner Harbor	145 Falmouth Heights Road, Falmouth	508-548-3146 VHF 9, 16	9am-5pm	NA
Falmouth Town Dock	Falmouth	508-457-2550 VHF 9, 16	9am-5pm	6
Green Pond Marina	70 Green Harbor Road, East Falmouth	508-457-9283 VHF 9, 16	9am-4pm	3
Bosun's Marine	1209 East Falmouth Highway, Route 28, Falmouth	508-548-2216 VHF 9, 16	9am-4pm	3
Waquoit Bay/Inner Harbor	Falmouth	508-457-2550 VHF 9, 16	9am-5pm	NA
Popponessett Bay	Mashpee	508-539-1450 VHF 9, 16	9am-4pm	NA
Oyster Harbor Marine	122 Bridge Street,	508-428-2017	9am-4pm	6



	Osterville	VHF 9, 79		
Crosby Yacht Yard	72 Crosby Circle Osterville, MA	508-428-6900 VHF 9	9am-5pm	6
Centerville Harbor/ 3 Bays	Barnstable	508-790-6273 VHF 9,16	9am-4pm	NA
Bismore Park (Hyannis)	180 Ocean Street Hyannis	508-790-6273 VHF, 9, 16	9am-5pm	6
Hyannis Marine	1 Willow Street, Hyannis	508-790-4000 VHF 9,72	9am-5pm	6
Lewis Bay/Hyannis Harbor/Bass River	Yarmouth	508-760-4800 VHF 66	9am-4pm	NA
Bass River	Packet Landing, Water Street. Yarmouth	508-760-4800 VHF 66	9am-4pm	3
Bass River Marina	140 Main Street, West Dennis	508-394-8341 VHF 71	8am- 5pm	3
Saquatucket, Allen & Wychmere Harbors (Within existing NDA)	Harwich	508-430-7532 VHF 68	9:30am-3:30pm	NA
Saquatucket, fuel dock (Within existing NDA)	Harwich	508-430-7532 VHF 68	9am-5pm	5

Stage Harbor (Within existing NDA)	Chatham	508-945-5185 VHF 16, 66	7am-6pm	5.5
Madaket Marine (Within Existing NDA)	Nantucket	508-2281163 VHF 9,16	9am-5pm	3
Nantucket Boat Basin (Within Existing NDA)	Nantucket	508-325-1350 VHF 9,11	9am-5pm	6
Nantucket Harbor (Within Existing NDA)	Nantucket	508-228-7261 VHF 9,14	9am-4pm	6
Nantucket Harbor (Within Existing NDA)	Nantucket	508-228-7261 VHF 9,14	9am-4pm	NA

Dated: April 18, 2012

H. Curtis Spalding,

Regional Administrator, New England Region.

[FR Doc. 2012-10206 Filed 04/26/2012 at 8:45 am; Publication Date: 04/27/2012]